

**IN THE 16th JUDICIAL CIRCUIT COURT
STATE OF MISSOURI**

**In Re: COURT OPERATIONS DURING COVID-19
STAY AT HOME/SHELTER IN PLACE ORDER**

ADMINISTRATIVE ORDER 2020-064

WHEREAS, the Centers for Disease Control and Prevention have declared that the outbreak of COVID-19 is a worldwide pandemic, and the Jackson County Executive has declared a state of emergency; and

WHEREAS, the Jackson County Executive was among a regional leadership group that announced a Stay-At-Home Order for all residents and businesses in Jackson County, Missouri that will go in effect at 12:01 a.m. on Tuesday, March 24, 2020 and remain in effect for at least 30 days and that during this time all non-essential businesses will be closed and all non-essential personnel will be asked to work from home; and

WHEREAS, the continuing operation of the 16th Judicial Circuit Court (“Court”) is deemed to be an essential governmental service and therefore, the Court will remain open and operational during the term of the Stay-At-Home Order; and

WHEREAS, notwithstanding the fact that the Court will remain open, it is imperative that the Court take steps to protect the health and safety of all employees of the Court, all judicial officers, all attorneys, all litigants, all victims, all witnesses and any other individuals or entities who have cases and hearings pending in Court, while also balancing the rights of all said individuals to have their matters heard; and

WHEREAS, notwithstanding the fact that the Court will remain open, the Court’s operations are and will be significantly modified during the term of the Stay-At-Home Order; and

WHEREAS, the Missouri Supreme Court entered an Order dated March 16, 2020 together with other Orders regarding on-going court operations and has instructed courts in this state to “prepare for potential infection in their community”; and

WHEREAS, the Missouri Supreme Court has directed its courts to “consider strategies to prevent the spread of respiratory germs into, within, and between facilities”; and

WHEREAS, the Missouri Supreme Court suspended all in-person proceedings with certain identified exceptions and the Missouri Supreme Court authorized the Presiding Judge of each Circuit to determine the manner in which hearings are to be conducted, including the discretion to excuse individuals from appearing; and

WHEREAS, circumstances regarding COVID-19 have changed dramatically since the March 16, 2020 Order of the Missouri Supreme Court, necessitating the Missouri Supreme Court's entry of a new Order dated March 22, 2020. The changes include but are not limited to those circumstances set forth in the Court's Order, the regarding the spread of COVID-19 and the issuance of the Stay-In-Place Order in Jackson County; and

WHEREAS, the 16th Judicial Circuit Court operates in the following buildings:

- (1) Kansas City Courthouse, 415 East 12th Street, Kansas City, MO 64106;
- (2) Eastern Jackson County Courthouse, 308 W. Kansas, Independence, MO 64050;
- (3) Family Court Division, 625 E. 26th Street, Kansas City, MO 64108;
- (4) Albert Reiderer Community Justice Complex, 1315 Locust, Kansas City, MO 64106 (sometimes referred to as the "Criminal A Building");
- (5) Community Justice Building, 1305 Locust, Kansas City, MO 64106.

These five buildings are hereby collectively referred to as the "Court Buildings"; and

WHEREAS, the Court desires to employ additional necessary and reasonable measures to protect the general public, litigants, lawyers, employees and all other individuals from the spread of COVID-19; and

WHEREAS, the Presiding Judge of the Court has the administrative authority over dockets of the Court and the administrative and discretionary authority regarding the manner in which any hearings are conducted in the Court.

IT IS HEREBY ORDERED, effective at 12:01 a.m. on Tuesday, March 24, 2020, and continuing through 5:00 p.m. on Friday, April 24, 2020, unless modified or extended in a subsequent administrative order, as follows:

1. The Court shall remain open and operational. However, except for those matters specifically identified in paragraph 2 below and subject to the terms set forth in paragraph 2, there shall be no in-person proceedings, hearings or conferences held in Court Buildings. All proceedings, hearings and conferences shall be conducted by telephone, polycom, videoconferencing, Zoom or any other method that does not require the physical presence of persons in Court Buildings.

2. Notwithstanding the prohibition on in-person proceedings, hearings or conferences as set forth above in paragraph 1, in-person proceedings *may* be held in the following matters, subject to the requirements set forth below, *provided however*, that said in-person proceedings, hearings or conferences shall be held in limited and extreme

circumstances only and based on a determination that alternative methods for conducting said hearings cannot occur;

- (a) Initial Appearance hearings;
- (b) Mandatory bond review hearings;
- (c) Emergency child custody hearings;
- (d) Petitions for temporary restraining orders or other forms of emergency temporary injunctive relief;
- (e) Emergency mental health hearings;
- (f) Emergency guardianship or conservatorship hearings;
- (g) Protective custody hearings pursuant to Chapter 211;
- (h) Detention hearings pursuant to Chapter 211;
- (i) Judicial By Pass hearings;
- (j) Emergency medical neglect hearings pursuant to Section 211.166 RSMo;
- (k) Any emergency hearings directly related to the COVID-19 public health emergency;
- (l) Any other hearing necessary to protect the constitutional rights of criminal defendants and juveniles.

Although in-person hearings or conferences *may* be conducted for the above listed proceedings, it is strongly encouraged and recommended that, to the maximum extent possible, the above listed proceedings, hearings or conferences be conducted by telephone, polycom, videoconferencing, Zoom or any other method that does not require the physical presence of persons in Court Buildings.

In the event the Judicial Officer presiding over any proceedings described above determines: (a) that there is no reasonable alternative to an in-person hearing or conference and therefore an in-person hearing or conference is required; and (b) that the physical appearance of attorneys, parties, witnesses, interested third parties, guardians ad litem, children's division workers, law enforcement officers or any other individual(s) is/are required and whose appearance cannot be satisfied by telephone or videoconference, then the in-person hearing or conference shall proceed.

In the event an in-person hearing or conference is to occur, the Judicial Officer or his/her administrative staff shall be responsible for notifying Sheriff's Deputies or other security personnel at the Court Building where the hearing or conference will occur, that an in-person hearing shall occur and shall provide Sheriff's Deputies or other security personnel with the names of any such designated individuals who are required to appear for said in-person hearing or conference. Only those identified individuals will be allowed to enter Court Buildings for the designated in-person hearing. If the Sheriff's Deputies or other security personnel are not notified of the persons who are to appear in-person for any such hearing, any person attempting to enter a Court Building for such hearing will be denied entry to the Court Building.

3. Entry to Court Buildings shall be limited to the following persons:

- (a) Judicial Officers and employees of the Court;
- (b) Those individuals specifically identified by a Judicial Officer as necessary for an in-person hearing as required and set forth in paragraph 2 above.
- (c) Independent contractors, delivery persons and vendors who have permission to enter Court Buildings from either the Presiding Judge of the Court or the Court Administrator and whose entry into Court Buildings is necessary for continuous operation of the Court. This Administrative Order is not intended to limit access to Court Buildings as determined to be necessary or appropriate by the Jackson County Executive or Administration or the Jackson County Sheriff,

Anyone attempting to enter Court Buildings in violation of these protocols will be denied entry by Jackson County Sheriff's Deputies or other security personnel. Individuals not authorized to enter the Court Buildings because of the restrictions listed above are provided the following contact information to have remote access to the administration of justice:

- (a) If you are represented by an attorney, please contact your attorney;
- (b) If you are an attorney scheduled to appear in Court before a Circuit or Associate Circuit Judge or a Commissioner, please contact the Division Clerk or contact the Court's website at <http://www.16thcircuit.org> for chambers contact information;
- (c) If you need information about the status of your case, please consult Casenet or contact the Circuit Clerk's Office:
 - (i) Civil Records Kansas City - (816) 881-3920.
 - (ii) Civil Records Independence - (816) 881-4524.
 - (iii) Criminal Records Kansas City (816) 881-4351.
 - (iv) Criminal Records Independence - (816) 881-4500.
 - (v) Probate - (816) 881-3755.
- (d) If you are a prospective Juror, please contact the Jury Commissioner at (816) 881-3602.
- (e) If you are seeking an Order of Protection regarding adult/child abuse please contact (816) 881-3974.
- (f) For Jackson County Prosecuting Attorney matters, please contact the Jackson County Prosecuting Attorney at (816) 881-3555.
- (g) For Jackson County Public Defender matters, please contact the Missouri Public Defender at (816) 889-2099.
- (h) For Family Court matters, please contact the Family Court receptionist at (816) 474-3606.
- (i) For the Court's Fiscal Department please contact (816) 881-1300.
- (j) For Jackson County Sheriff matters, please call the main line at (816) 541-8017.

4. The Court Administrator is ordered to establish procedures and protocols for pro se litigants to deliver and/or file pleadings and other documents with the Court, including but not limited to Petitions for Orders of Protection. This may include receiving faxed documents, placing a public access computer terminal at an entrance to the courthouse so further entry is not necessary, creating drop boxes at designated entries to Court Buildings or other methods for pro se litigants to have continuous access to the Court. As soon as those procedures are finalized they will be posted on Court Building doors, posted on the Court's website at www.16thcircuit.org and the Court's Facebook page.

5. The Court Administrator is Ordered and authorized to suspend the impaneling of all jurors for the weeks of March 30, 2020 through April 20, 2020. All jury trials scheduled for those weeks are hereby continued and will be rescheduled to a later date.

6. In all criminal cases where the defendant is in detention at the Jackson County Detention Center or otherwise in custody at any other detention center or at any other prison, said defendants shall not be personally transported to or brought into court for any hearing. All hearings regarding any such defendants shall be conducted via videoconferencing, including initial appearance and arraignment hearings.

7. Each judicial officer and his/her division staff shall be responsible for notifying all parties and counsel if the cases/dockets are being postponed/continued or if the cases/dockets are not being postponed/continued, of the manner in which hearings will be held. If cases/dockets are postponed/continued, each judicial officer and his/her division staff shall be responsible for re-scheduling new hearing dates.

NOTICE IS HEREBY GIVEN THAT ALL HEARINGS AND CONFERENCES THAT ARE NOT EXPRESSLY LISTED ABOVE ARE CONTINUED UNTIL FURTHER NOTICE OR ORDER OF THE COURT, UNLESS THE JUDICIAL OFFICER ASSIGNED TO A PARTICULAR CASE SPECIFICALLY NOTIFIES ATTORNEYS AND PARTIES THAT THE HEARING OR CONFERENCE WILL PROCEED IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ADMINISTRATIVE ORDER.

8. Based on current circumstances, including but not limited to the ban on gatherings and the safety of parties, employees, security personnel and others, the Court has determined that it is not possible to proceed with hearings on full orders of protection. In this Court's Administrative Order 2020-053 entered on March 12, 2020, pursuant to Section 455.040.1 R.S.Mo. And for good cause, all hearings on full orders of protection that were scheduled during the weeks of March 16, 2020 and March 23, 2020 were continued for two weeks from the date of the scheduled hearing. Those hearings are now continued an additional sixty days from the date of the most recently scheduled hearings. All Ex Parte Orders of Protection currently in existence will be extended by operation of this Administrative Order until the new hearing date.

9. As demonstrated in prior Administrative Orders of this Court, the Stay-In-Place Order in Jackson County and this Administrative Order, all hearings on full orders

of protection that are scheduled or would have been scheduled for the weeks of March 30, 2020 through April 20, 2020 will be continued for sixty days from the date of the currently scheduled hearing or the hearing that would have been scheduled during that time. All Ex Parte Orders of Protection currently in existence and all Ex Parte Orders of Protection that are entered through April 24, 2020, will be extended by operation of this Administrative Order until the new hearing date.

10. When a defendant in a pending criminal case bonds out of the Jackson County Detention Center, he/she is given a date for his/her initial appearance. Any such date provided to a defendant shall be continued and the initial appearance will be held 90 days after the date provided at the time the defendant bonds out of the detention center.

11. The Court Administrator/Deputy Court Administrator is authorized to suspend programming operated by the Family Court Services consistent with this and other prior Administrative Orders and Centers for Disease Control and Prevention Guidelines.

12. All nonessential court related travel for staff and judicial officers is canceled through April 30, 2020.

13. All municipal courts in Jackson County, Missouri are subject to this Administrative Order and are encouraged to take appropriate action consistent with this Administrative Order and Centers for Disease Control and Prevention guidelines.

14. To the extent the directives and declarations set forth in this Administrative Order differ with the Court's prior Administrative Order 2020-053, this Administrative Order controls.

THIS ORDER MAY BE AMENDED AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

22-Mar-2020

Date



David M. Byrn, Presiding Judge

Certificate of Service

This is to certify that a copy of the foregoing was emailed to the following on March 22, 2020

16th Circuit Court Judiciary and All Staff
Frank White, County Executive
Troy Shulte, County Administrator
Darryl Forte, Sheriff

Theresa Galvin, Legislative Chair
Members of the Legislature
Mary A. Marquez, Court Administrator
Jean Peters-Baker, Prosecutor
Ruth Petsch, District Defender